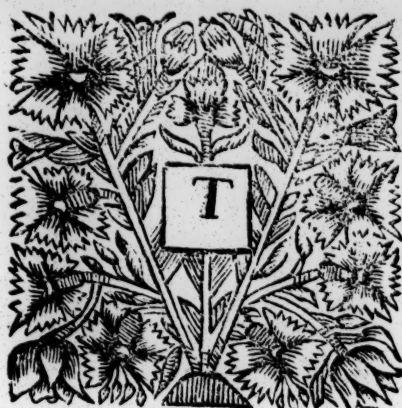


Dame *Jane Bampfylde*, Widow, Appellant. } Sir *Coppleston Warwick Bampfylde*, Baronet,  
an Infant, by his Guardian, Respondent.

THE  
RESPONDENT'S CASE.



28. Nov.  
1674.

H A T Sir *Coppleston Bampfylde*, Baronet, being Tenant for Life of a Large Estate in the County of *Devon*, with Power of Leasing in some Parts thereof, with Remainder in Tail to *Hugh Bampfylde*, Esquire, his Eldest Son, did intermarry with the Appellant, without the Consent or Approbation of her Parents, with whom he had little or no Portion, and therefore no Jointure or Settlement was made on such Marriage.

That some time after the said Marriage, the said Sir *Coppleston Bampfylde* was prevailed upon by the Appellant his Wife, to make her a Jointure in the Farm of *Warleigh*, in the said County of *Devon*, though he had no Power so to do.

January  
1685.

That in January, 1685, the said Sir *Coppleston Bampfylde*, and the Appellant his then Wife, on the Marriage of the said *Hugh Bampfylde* with *Mary* the Respondent's Mother, who was the Daughter and Heir of *James Clifford*, Esquire, and in Consideration of 8000 l. (which Sir *Coppleston Bampfylde* had) as her Portion, did join with the said *Hugh Bampfylde* in the Settlement of the said *Devonshire* Estate, and in Levying a Fine thereon, whereby the said Sir *Coppleston Bampfylde* was made Tenant for Life in the Capital Messuage, Demeasnes, and Park of *Poltimore*, and of several other Mannors and Lands in the County of *Devon*, with a Power of Leasing the same, (except in the Farm and Demeasnes of *Poltimore*) By Deed or Deeds, for One, Two, Three, or Four Life or Lives, Reserving the Old and Accustomed Rents; and the Reversion thereof, and all other the said Estate in *Devonshire*, was thereby settled on the said *Hugh Bampfylde* for Life; and after his Death, Part thereof to the said *Mary* his Wife for her Jointure, with Remainder in the whole to her First Son in Tail, which First Son the Respondent is.

That after such Settlement Sir *Coppleston Bampfylde* having several Mannors in the Counties of *Dorset* and *Somerset*, whereof he was seized in Fee, did convey the same to the Appellant his Wife, for her life, and thereby granted her a power of Leasing thereof for One, Two, or Three Lives, and likewise made his Will, and thereby devised to his Wife all his Household Goods, Plate, Furniture, Money and Debts owing to him, and other personal Estate of great value, which said Second Joynture with such power of Leasing, and the Personal Estate so devised to the Appellant, was of great value, and much beyond what the Portion of the Appellant deserved.

That by the same Will Sir *Coppleston Bampfylde* by the Insinuation of the Appellant, was prevailed with to devise the Parks of *Poltimore* and *Northmolton* and some other Lands to the Appellant for her Life, tho he had no manner of power so to do (without reserving any Rent) and the same Devise of such Lands being absolutely void in Law, the Appellant, after the death of the said Sir *Coppleston*, brought her Bill in *Chancery* to have such void Devise made good, and that she might hold the said Parks and Lands to her given by such Will against the Respondent an Infant, who is Eldest Son and Heir of the said *Hugh Bampfylde* deceased, and claims the Estate by the said Marriage-Settlement, and is therefore in nature of a Purchaser upon the highest Consideration.

That the Park of *Poltimore* which the Appellant would have for her Life by such void Devise, hath been for Fifty Years or upwards enjoyed with, and esteemed as part of the Barton or Farm of *Poltimore*, which is the chief Seat of the Family, and was never therefore designed to be Leased.

That on hearing the Cause in *Chancery*, by the Right Honourable the Lord Keeper, the Appellant's Bill was dismissed, there being no pretence to make a void devise to a Wife sufficiently Provided for, good, against the Respondent who is a Purchaser as aforesaid. It is therefore Humbly hoped, That your Lordships will dismiss the said Appeal with Costs, and the rather, for that the Appellant pretends that the motive for such Devise was her joining in the said Fine and Marriage-Settlement, whereby she Barred herself of her first Joynture, and likewise of her Dower; whereas the first Joynture was plainly void in it self, being made by one that was but Tenant for Life; and she never could have Dower of any Estate comprized in that Fine or Settlement, because Sir *Coppleston Bampfylde* had not the Inheritance of such Estate; and the Appellant instead of her Thirds, hath the whole of that Estate in *Somerset* and *Dorset*, wherein she was Dowable, with Power of Leasing.

*As I remember & Dismission was affirmed by 5 Lordes*



1560/4376

Repon-  
Brought

**Dame Jane Bampfylde,**  
**Appellant.**

**Sir Coppleston Warwick**  
**Bampfylde, Respondent.**

**The Respondent's Case.**

**To be Heard on**

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